

REMARKS

Claims 16-44 are pending in the present application. Claims 16-44 have been rejected. No claims have been allowed. Claims 23 and 34 have been amended to more clearly articulate that which is being claimed. No claims have been canceled or added.

I. Claim Rejections under Obviousness-Type Double Patenting

Claim 16 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,628,939 ("the '939 Patent") in view of U.S. Patent No. 6,024,640 to Walker, et al ("Walker"). In addition, claim 34 stands similarly rejected as being unpatentable over claim 1 of the '939 Patent in view of Walker.

Applicants have submitted herewith a Terminal Disclaimer with respect to the present application and the '939 Patent. It is respectfully submitted that the pending obviousness-type patenting rejections have been obviated thereby.

II. Claim Rejections under 35 U.S.C. § 102

Claim 16-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walker. In particular, the Office Action states that Walker "teaches . . . a game server . . . (52, Fig. 3) [and] . . . The LCC of [Walker] is also a financial server." The Office Action also states that Walker "has a player authentication server that processes an authentication of a user of the personal gaming device." Applicants respectfully traverse these rejections.

Claim 16

In order to anticipate a claim, a reference must teach every material element of that claim. Independent claim 16 recites, *inter alia*, "a game server . . . and a financial server configured to track financial data related to said generated predetermined game outcome or

outcomes” (emphasis added). Applicants respectfully submit that Walker does not teach a game server and a separate financial server, as is presently claimed. Rather, Walker teaches a single “lottery central computer (“LCC”)” that contains both the alleged game server 52 (“# tickets (outcomes) purchased,” designated as part of LCC Memory 32; Fig. 3) and the alleged financial server (all LCC Memory components; Fig. 3). Not only are these components of Walker part of the same LCC device, but they all reside within the same memory component of the LCC device. Conversely, the present invention involves the use of a discrete game server 68 and a separate discrete financial server 70 (*See, e.g.*, FIGS. 3, 9; paragraphs [0059], [0060] of the application as filed). These discrete and separate servers have been claimed as separate elements of claim 16, and thus should be considered as such.

Because Walker does not teach of separate and discrete game and financial servers, Walker cannot be said to anticipate claim 16 for at least this reason. Because claims 17-24 all depend from independent claim 16, these claims are all not anticipated by Walker for at least the same reason as for claim 16. Accordingly, Applicants respectfully request the withdrawal of the pending § 102 rejections for claims 16-24.

Claim 22

Dependent claim 22 recites, *inter alia*, “said financial server is further adapted to *accept information from* said gaming server regarding said predetermined game outcome for each of said specific number of games” (emphasis added). In rejecting claim 22, however, the Office Action points to Walker at col. 11, lines 3-15, which indicate that its “redemption program 79 directs the LCC 12 to read a redemption request message RRM provided from the HTV 20.” Assuming, *arguendo*, that redemption program 79 of Walker is a “financial server,” as asserted by the Office Action, then Walker still is not teaching that this program is adapted “to accept information from said gaming server.” Rather, Walker teaches that this redemption program 79 directs some other component to read a request message, which

request message itself is not clearly information from any alleged gaming server. Applicants respectfully submit that Walker has not been shown to teach a “financial server . . . adapted to accept information from [a] gaming server regarding [a] predetermined game outcome,” and that any such showing would be inherently confusing given the nature of the alleged game server and financial server being all within the same memory component in any event. Because such a showing has not been made, claim 22 cannot be said to be anticipated by Walker for at least this separate reason.

Claim 23

Dependent claim 23 recites, “a player authentication server.” Although the Office Action points to col. 6 lines 17-23 and col. 12 lines 54-56 of Walker as teaching such a player authentication server, Applicants note that any purported “player authentication” process here occurs at the HTV (hand-held ticket viewer) of Walker itself. Conversely, the present invention teaches of a player authentication server that is separate from the associated hand-held personal gaming device (*See, e.g.*, FIG. 9). Although not believed to be necessary, Applicants have nevertheless amended claim 23 to more clearly articulate that the claimed player authentication server is separate from the personal gaming device. Because Walker does not teach a player authentication device that is separate from its HTV, claim 23 cannot be said to be anticipated by Walker for at least this separate reason.

III. Claim Rejections under 35 U.S.C. § 103

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0111213 A1 to McEntee, et al. (“McEntee”) only. Further, claims 27 to 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of U.S. Publication No. 2002/0066041 A1 to Lemke (“Lemke”). Still further, claims 31 to 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker, McEntee

and "Lemke" in view of U.S. Publication No. 2002/0085515 A1 to Jaynes, et al. ("Jaynes"). Applicants respectfully traverse.

Claims 25-26

Although claims 25 and 26 are rejected over McEntee only, it is assumed that these rejections were intended to be made over Walker in view of McEntee. Nevertheless, because claims 25 and 26 depend from claim 23, which depends from claim 16, it is respectfully submitted that these rejections fail for at least the reasons given above for claims 16 and 23. Furthermore, no appropriate motivation to combine references has been given, since an appropriate motivation to combine references must be found in or suggested by the prior art itself. *See, e.g.*, MPEP §§ 2142 and 2143. Applicants thus respectfully submit that the pending obviousness rejections of claims 25-26 fail for at least each of the foregoing reasons.

Claims 27-30

Similar to the foregoing, because claims 27-30 all depend from claim 16, it is respectfully submitted that the rejections of these claims fail for at least the reasons given above for claim 16. Also similar to the foregoing, no appropriate motivation to combine references has been given, since an appropriate motivation to combine references must be found in or suggested by the prior art itself.

In particular, while Walker and McEntee at least relate to gaming applications, Lemke has nothing to do with gaming and is a completely non-analogous reference. Although it is asserted that Lemke teaches a docking station, nothing in Lemke teaches or suggests "data regarding [a] predetermined game outcome [being] transmitted to [a] personal gaming device via [a]docking station," as set forth in claim 27, or a "hand-held personal gaming device . . . adapted to communicate with [a] game server, [a] financial server, or both via [a]docking station," as recited in claim 28. Nothing in Walker or McEntee cures these deficiencies of

Lemke. Applicants thus respectfully submit that the pending obviousness rejections of claims 27-30 fail for at least each of the foregoing reasons.

Claim 29

In addition to the foregoing, dependent claim 29 specifically recites the limitation, "wherein said personal gaming device is adapted to reside at said docking station and is *adapted to be checked out to a user from said docking station*" (emphasis added). Despite references to various passages in Lemke and Walker in the Office Action, nothing in these passages or elsewhere in any recited reference teaches or remotely suggests the checking out of a personal gaming device to a user from a docking station. Rather, the referenced passages merely relate to identifying and/or authorizing a user. Applicants respectfully submit that "checking out [a personal gaming device] to a user from a docking station," is substantially different from identifying and/or authorizing a user, such that this claim is patentable over the prior art for at least this additional reason.

Claims 31-33

Similar to the foregoing, because claims 31-33 all depend from claim 16, it is respectfully submitted that the rejections of these claims fail for at least the reasons given above for claim 16. Also similar to the foregoing, no appropriate motivation to combine references has been given, since an appropriate motivation to combine references must be found in or suggested by the prior art itself. In particular, while Walker and McEntee at least relate to gaming applications, neither Lemke nor Jaynes has anything to do with gaming, such that both of these references are non-analogous to Walker and McEntee. Applicants respectfully submit that no proper motivation to combine any reference with another has been shown, much less proper motivation to combine all four of these non-analogous references in the manner that has been done. As such, these claims are patentable for at least this additional reason, as well as for the reasons provided for independent claim 16 above.

Claims 34-44

To the extent that the rejections of claims 34-44 are being made over the combination of four non-analogous references, as set forth in the Office Action, Applicants respectfully traverse these rejections at least with respect to no appropriate motivations having been provided to combine these four references in the manner given, as noted above. Applicants also respectfully traverse the rejections of each dependent method claim for at least the same reasons already provided above with respect to any analogous system claim.


In order to facilitate prosecution, however, Applicants have nevertheless amended independent claim 34 to more clearly articulate that which is being claimed. In particular, this claim now recites, *inter alia*, "providing a system having at least a first game server and a second separate financial server." As noted above, Walker does not teach of a first game server and a second separate financial server, such that claim 34 is patentable over the prior art in any event. Because each of claims 35-43 depend from claim 34, these claims are all patentable for at least the same reason as for claim 34.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. Authorization for charging a Terminal Disclaimer fee is being submitted herewith, and it is believed that no other fees are due at this time. Should such authorization be inadvertently omitted, or should any other fee be required for any reason related to this paper or application, however, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. IGT1P114X1. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this application.

Respectfully Submitted,
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